

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

RESOLUTION NO. 2009- _____

A RESOLUTION OF THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT AUTHORIZING ENTERING INTO A PRE-PARTNERSHIP CREDIT AGREEMENT WITH THE U.S. DEPARTMENT OF THE ARMY, AT NO COST, FOR THE PURPOSE OF ESTABLISHING ELIGIBILITY TO RECEIVE FUTURE CREDIT FOR THE COSTS OF CONSTRUCTING FEATURES OF THE PICAYUNE STRAND RESTORATION PROJECT, A COMPONENT OF THE COMPREHENSIVE EVERGLADES RESTORATION PLAN; PROVIDING AN EFFECTIVE DATE. (CONTRACT NUMBER 4600001761)

WHEREAS, the South Florida Water Management District (SFWMD) completed construction of certain features of the Picayune Strand Restoration Project, a component of the Comprehensive Everglades Restoration Plan, prior to authorization of the project by Congress; and

WHEREAS, the Picayune Strand Restoration Project was authorized by Congress in Section 1001(15) of the Water Resources Development Act of 2007; and

WHEREAS, Section 6004 of the Water Resources Development Act of 2007 authorizes the Secretary of the Army to provide credit for construction costs incurred by the SFWMD prior to signing a Project Partnership Agreement toward the SFWMD's 50 percent share of project costs for the Comprehensive Everglades Restoration Plan, if such construction is carried out pursuant to the terms and conditions of an agreement between the SFWMD and the Assistant Secretary of the Army; and

WHEREAS, the Army's implementation guidance for Section 6004 of WRDA-2007 specifies that in order for the SFWMD's costs of early construction to be eligible for credit, the SFWMD and the Army must execute a Pre-Partnership Credit Agreement for that work prior to signing a Project Partnership Agreement.

WHEREAS, the Governing Board authorized entering into the Pre-Partnership Credit Agreement for Picayune Strand on June 11, 2009 in Resolution 2009-618; and

WHEREAS, numerous changes to the Pre-Partnership Credit Agreement were negotiated subsequent to Board approval which require consideration by the Board;

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT:

Section 1. The Governing Board of the South Florida Water Management District hereby authorizes the execution of Contract No. 4600001761 with the U.S. Department of the Army, at no cost to the SFWMD, for the purpose of establishing eligibility for future credit for the costs of constructing features of the Picayune Strand Restoration Project.

Section 2. This resolution shall take effect immediately upon adoption.

PASSED and **ADOPTED** this _____ day of _____, 2009.

SOUTH FLORIDA WATER MANAGEMENT
DISTRICT, BY ITS GOVERNING BOARD

By:

Chair

ATTEST:

District Clerk/Secretary

Approved as to form:

By:

Office of Counsel